

AZ CAREER PROSECUTOR COURSE

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Phoenix, Arizona



CASE THEORY

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Distributed by:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

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CASE THEORY

SALVE VERITATE

(Saving the Truth)

CASE THEORY

DEFINITION

A coherent, detailed, accurate story of what occurred

Where do we go wrong?

- We tell the narrative from the perspective of the investigating officers.
- We create a narrative only from the facts of the case.
- Our narrative doesn't account for all the evidence or lack thereof.
- We don't force the jury to choose between our theory and the defense theory.



State v. Christopher Johnson



ON 11/02/2015 AT APPROX 0033 HOURS, I WAS CONDUCTED PATROL IN MY FULLY MARKED PATROL VEHICLE, TRAVELING EASTBOUND IN THE #1 LANE ON W GLENDALE AVE, JUST WEST OF THE INTERSECTION AT N 62ND AVE.

I OBSERVED A MALE BICYCLIST RIDING IN THE ROADWAY ON N 62ND AVE, JUST SOUTH OF W GLENDALE AVE. THE BICYCLIST WAS TRAVELING SOUTH BOUND, IN THE NORTHBOUND LANE OF TRAVEL, WHICH IS A CIVIL TRAFFIC VIOLATION UNDER ARS 28-812, APPLICABILITY OF TRAFFIC LAWS TO BICYCLE RIDERS.

I ATTEMPTED TO CONDUCT A TRAFFIC STOP ON THE INDIVIDUAL (S1 CHRISTOPHER JOVON JOHNSON) BY ACTIVATING MY OVERHEAD RED AND BLUE LIGHTS. THE INDIVIDUAL LOOKED BACK AT MY VEHICLE, AND THEN BEGAN TO AGGRESSIVELY PEDAL HIS BICYCLE FASTER, IN AN ATTEMPT TO ELUDE THE TRAFFIC STOP.

I FOLLOWED THE INDIVIDUAL APPROX 1/2 MILE TO 6139 W LAMAR RD, WHERE HE THREW HIS BICYCLE ON THE GROUND AND STARTED RUNNING.

Opening Statement



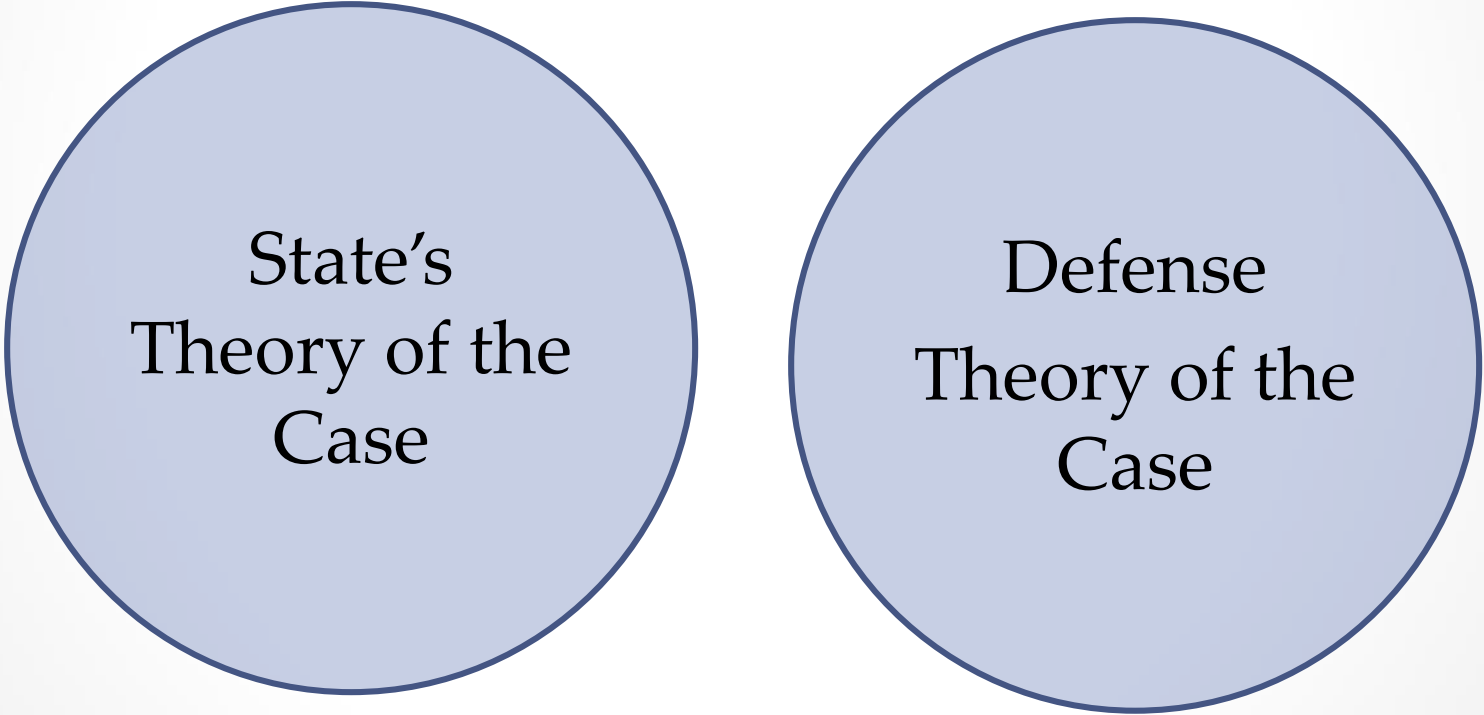
THEORY?

- Officers on patrol
- See Defendant riding his bike
- Defendant riding on wrong side of the road
- Officers try to pull him over
- He runs from them
- Officers finally catch him
- Officers search him
- He has meth in his pocket

Defense Theory



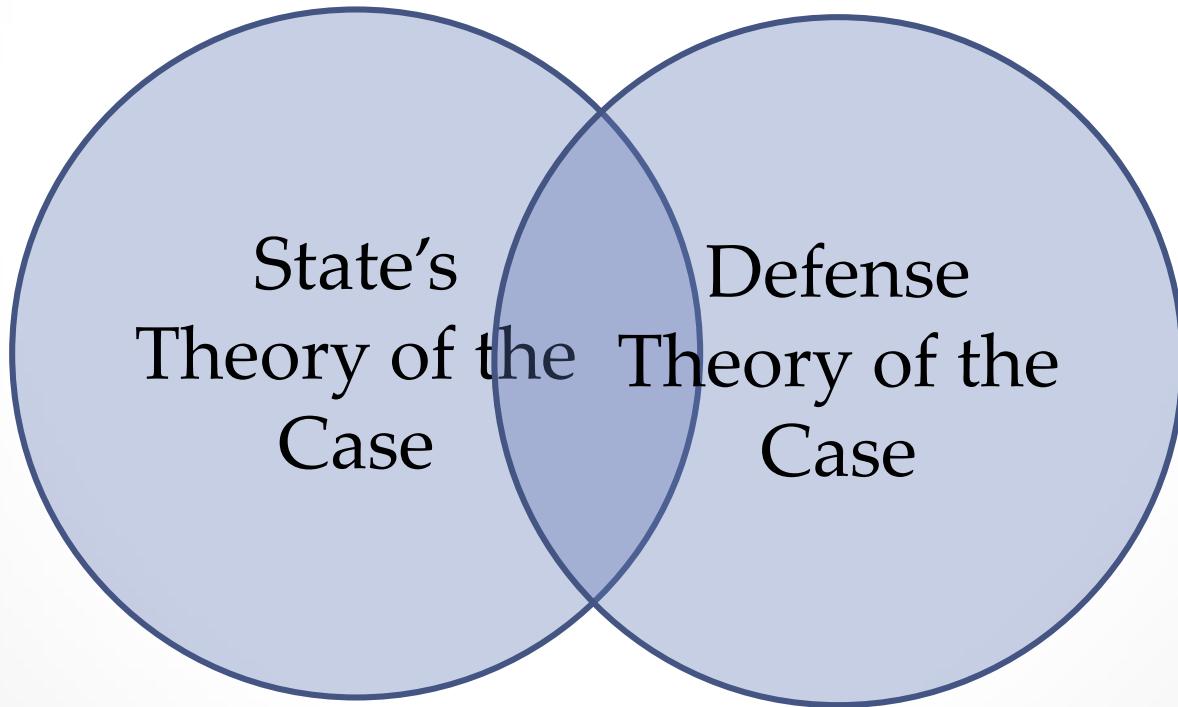
STATE THEORY	DEFENDANT'S TESTIMONY
D riding bike down the street	D riding bike down the street
D sees police and flees	D sees police and flees
Police search D and find meth	Police search D and find meth



State's
Theory of the
Case

Defense
Theory of the
Case

THE THEORIES DON'T CONTRADICT WITH EACH OTHER!!



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= HOW

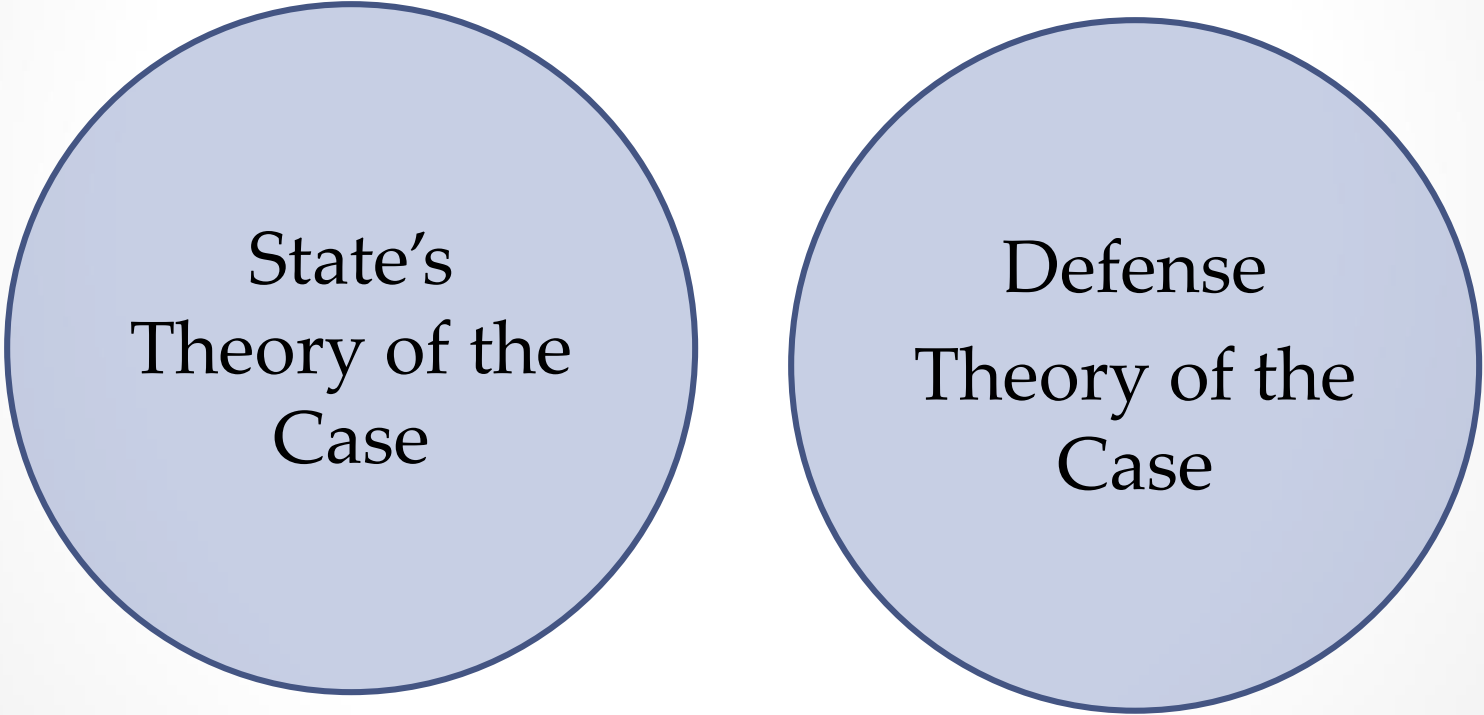
THEORY OF THE CASE = WHY

Theory of the Case

- Defendant scores some meth.
- Defendant heading somewhere to smoke the meth.
- Defendant sees the police.
- Defendant flees because he doesn't want to go to jail (because he knows he has meth!!)

Contradict Each Other





State's
Theory of the
Case

Defense
Theory of the
Case

Defense Narratives

- Victim is a bad person
- Police investigation was bad
- Defendant acted in self-defense
- Defendant is the real victim



A Good Narrative Can Beat Your Facts



State v. Santiago Urenda



FACTS

- Victim was dating Defendant's ex-girlfriend
- D & Ex-G lived in same house b/c had a baby together
- D had threatened to hurt the victim if he saw him again
- Victim came to pick up girlfriend from D's house
- Victim waiting for her in his truck in front of house
- Sees D outside his window with a gun
- Victim drives off as Defendant starts shooting at him

Mystery Casing



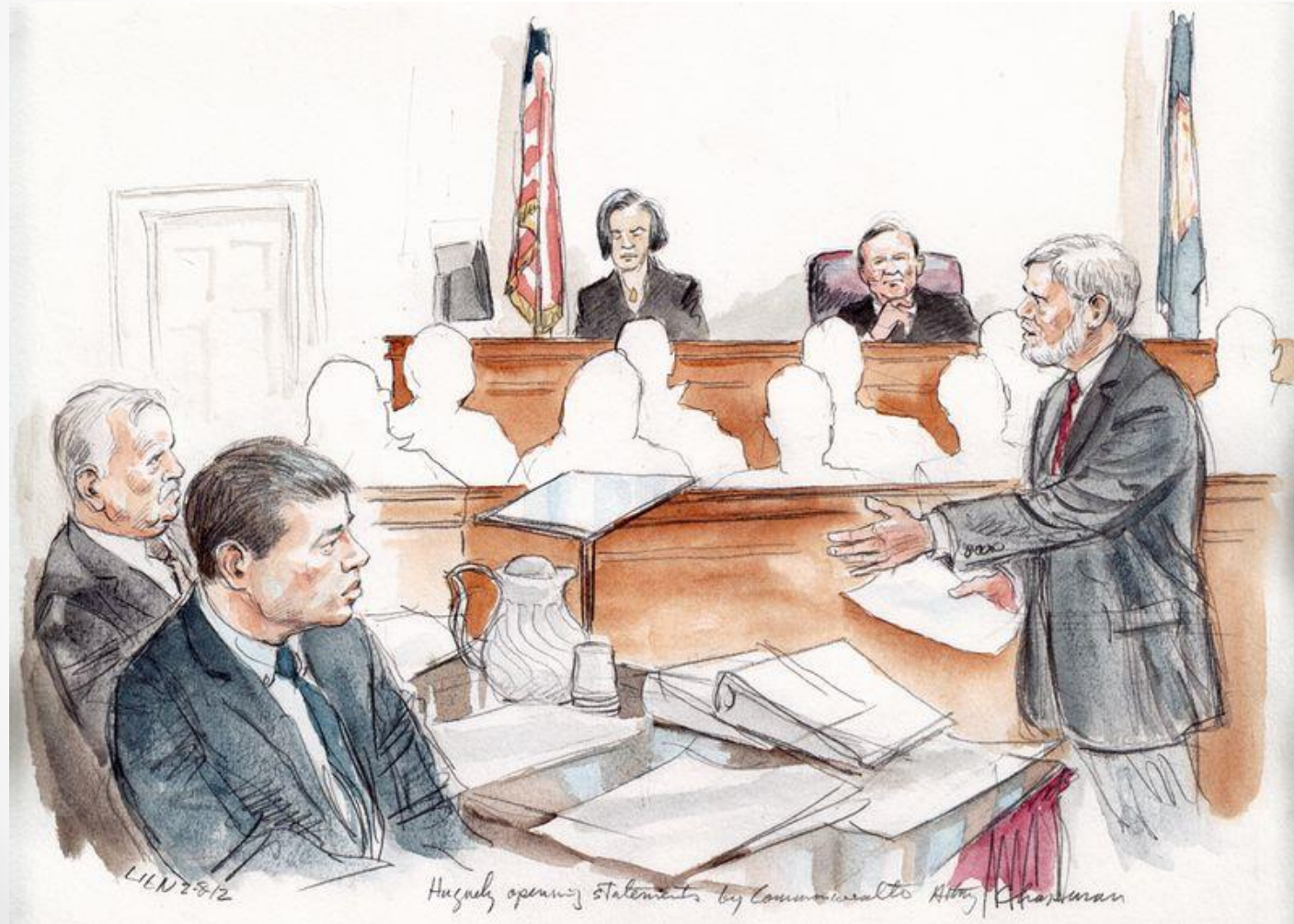
Case Theory

- Theory needs to account for all of your evidence in the case or lack thereof
- Theory of the case determines what witnesses to call at trial and what questions to ask
- Every factual question should advance your theory, your theme, or eliminate confusion.

Jury Selection



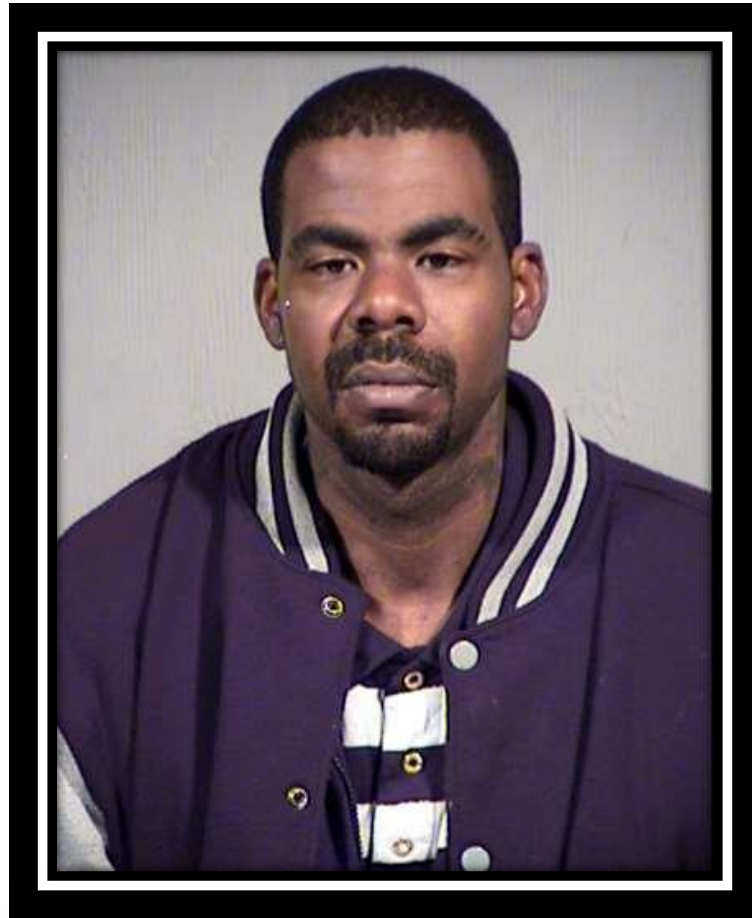
Opening Statements



Direct Examination



Cross Examination



Closing Argument

